

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

EJ LEJEUNE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARY SITUATED; HENRY TORRES VILLEGAS, JOSE A. REYES DIAZ, JULIO LOPEZ RIOS, ISRAEL DIAZ, LUIS M. RODRIGUEZ, WILFREDO SANCHEZ, KELVIN CULP, KERRY POOL, DARIN REID, FORREST SMITH, DARREN GULIN, CRAIG WRIGHT, JOSHUA GRIMES, BOBBY PATTON, STEVE EBEL, BRIAN KOPP, RICHARD GIBSON, MIKE SIELICKI, BENNETT ELLIOTT, OSCAR CASTANOJR., DOMINGO DE LA GARZA, DYLAN SUTTON, CHARLES FOSS, KEVIN AHEARN, COURTNEY BEASLEY, ROCKY COCHRAN, ENSLEY WINDHAM, TYLER NEGRI, RICARDO BENAVIDESJR., ZACHARY AKEY, DANIEL PERALES, ALEXANDRE PENNANT, CHARLES ENMANJR., RUBEN TREJO, MICHAEL TUCKER, MANOLO MAURIZ, MAX HIDALGO, ESEQUIEL NAVEJAS, MARIO BELLAMY, NEYSHA DIAZ, JON-MIKEL MOODY, GIOVANNI PEREZ, JON-MIKEL MOODY, STEVEN T. SALMON, PORTALATIN M. TORRES, JOHN NEGRI.



SA-19-CV-00286-JKP

*Plaintiffs,*

VS.

COBRA ACQUISITIONS, LLC,  
ESPADA LOGISTICS AND SECURITY  
GROUP, LLC, ESPADA CARIBBEAN,  
LLC, JAMES JORRIE, JENNIFER GAY  
JORRIE.

*Defendants.*

## SECOND AMENDED SCHEDULING ORDER

Before the Court in the above-styled cause of action is the parties' Joint Motion to Amend Scheduling Order [#140], by which they ask the Court to extend certain deadlines in the

scheduling order to accommodate the parties' agreement to proceed with representative discovery in this certified FLSA collective action. The Court will grant the motion.

**IT IS THEREFORE ORDERED** that the parties' Joint Motion to Amend Scheduling Order [#140] is **GRANTED**.

**IT IS FURTHER ORDERED** that the following amended scheduling order is issued to control the remaining course of this case.

1. On or before **February 15, 2021**, the parties shall file any motion seeking leave to amend pleadings or join parties. To the extent it may apply in this case, the deadline for Defendant(s) to file a motion to designate responsible third parties, pursuant to Texas Civil Practices & Remedies Code § 33.004(a), is **February 15, 2021**. **This deadline does not affect a person's ability to opt into the case pursuant to 29 U.S.C. § 216(b).**
2. Parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **March 1, 2021**.
3. Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **April 1, 2021**.
4. Parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, **within fourteen days** of receipt of the report of the opposing expert.
5. The deadline to file supplemental expert reports required under Federal Rule of Civil Procedure 26(e)(2) is at least **30 days** before trial. The parties are advised any report filed under this deadline may only supplement the initial report and may not introduce new opinion or subject matter. This deadline is not intended to provide an extension of the deadline by which a party must deliver the substance of its expert information or opinion.
6. Parties shall initiate all discovery procedures in time to complete discovery on or before **August 1, 2021**. Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the expiration of the deadline. *See* Local Rule CV-16(d). Counsel may by agreement continue discovery beyond the deadline. The parties are advised that should they agree to extend discovery beyond the deadline, there will be no intervention by the Court except in exceptional circumstances. No trial setting or other deadline set forth

herein will be vacated due to information obtained in post-deadline discovery. *See* Local Rule CV-7(d).

7. Counsel shall confer and file a joint report setting forth the status of settlement negotiations on or before **August 15, 2021**.
8. On or before **September 1, 2021**, the parties shall file any *Daubert* motions and challenge to or motion to exclude expert witnesses. Any such motion must specifically state the basis for the objection and identify the objectionable testimony.
9. On or before **September 1, 2021**, parties shall file any dispositive motions, including motions for summary judgment on all or some of the claims. Further, notwithstanding any deadline provided herein, no motion (other than a motion in limine) may be filed after this date except for good cause.
10. The Court will set dates for trial and the final pretrial conference after ruling on any dispositive motions or after the deadline for such motions passes without a pertinent filing. At that time, the Court will also set appropriate deadlines for trial and pretrial conference matters.

**IT IS SO ORDERED.**

SIGNED this 4th day of January, 2021.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE